1	recall it, your decision to resign your present
2	employment within the next two or three weeks was
3	related to your participation in this case in a
4	roundabout way.
5	The question is, in what way is that? What
6	is that roundabout way? You're simply being asked to
7	explain your testimony. I'm going to ask you to
8	explain it.
9	THE WITNESS: I'm getting what I consider
10	undue pressure from my employer.
11	BY MR. HONIG:
12	Q That's Mr. Perich
13	A Yes, sir.
14	Q You made reference to a letter, and I'm not
15	concerned with any letter that might have been written
16	to the Commission which, we agree, would be improper.
17	Was there some other letter that you are referring to
18	that was sent to, among others, my client?
19	A I I believe so. I'm in receipt of a
20	letter that I believe was sent.
21	Q Do you believe Mr. Perich sent that letter?
22	A Yes, I do.
23	MR. HONIG: I know Your Honor must be
24	confused as to where this is leading.
25	JUDGE LUTON: Sure am.

1	MR. HONIG: It was unexpected by me, too,
2	Your Honor. It apparently just arose and regrettably.
3	Because it occurred after we had discovery, I am trying
4	to understand it myself.
5	I would beg a little bit of indulgence. I
6	will try and focus it on this anything of relevance
7	to this case.
8	JUDGE LUTON: What is the relevance to this
9	case? You've asked the witness to explain what he
10	meant by saying that his determination to resign his
11	present employment in the next two weeks is related to
12	this case. Now, he's taken a couple of stabs at it.
13	Is that what you are still trying to understand?
14	MR. HONIG: Yes. I think I can try to
15	understand this as we go along and I may have to beg a
16	little indulgence, but let me try.
17	BY MR. HONIG:
18	Q I don't want to make reference to the
19	contents of the letter. I don't have it here. And, I
20	can tell you, Mr. White, I don't consider the contents
21	of the letter to be
22	JUDGE LUTON: Now, what letter is this?
23	MR. HONIG: It was a letter, Your Honor, that
24	was written by an anonymous person and I still don't
25	know who it is, that was sent to apparently a number of

1	people, including my client.
2	JUDGE LUTON: Including me, I suspect.
3	MR. HONIG: I don't know that it was sent to
4	you. It wasn't addressed to you.
5	JUDGE LUTON: One was received by me.
6	MR. HONIG: There are two letters.
7	JUDGE LUTON: All right, I got one of them.
8	MR. HONIG: This is one that was received
9	just a couple of weeks ago.
10	JUDGE LUTON: No.
11	MR. HONIG: Different letter.
12	I believe they were probably sent by the same
13	person.
14	JUDGE LUTON: It was anonymous.
15	MR. HONIG: It was anonymous. It was, in my
16	opinion, scurrilous and I consider the content
17	irrelevant.
18	JUDGE LUTON: and it was handled
19	appropriately at this end.
20	MR. HONIG: And let me say that, Mr. White, I
21	consider the matter unfortunate.
22	BY MR. HONIG:
23	Q My question is that if your belief is that
24	Mr. Perich either wrote or was involved in writing and
25	sending that letter, does he have any connection with -

1	- why would he have done that?
2	JUDGE LUTON: Who is Mr. Perich?
3	MR. HONIG: Mr. Perich owns the station at
4	which Mr. White works and I believe that they have
5	they were parties in some other application earlier.
6	JUDGE LUTON: Now you're asking the witness
7	why would Mr. Perich have written the particular
8	letter.
9	MR. HONIG: If he knows. He may not know.
10	would just like to find out if he knows what is going
11	on here.
12	JUDGE LUTON: You didn't ask him whether he
13	knew or not. You are inviting him to speculate.
14	BY MR. HONIG:
15	Q I'm sorry. Do you know why Mr. Perich may
16	have written the letter?
17	A No.
18	Q Is it correct to say that the purpose of the
19	letter on its face seems to be to try to discourage you
20	in your efforts to obtain this permit?
21	A Yes.
22	Q And you, if you got the permit, would be
23	competing with him, isn't that correct?
24	A Yes.
25	Q And, are you relying or have you ever relied
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1	in this case on Mr. Perich for use of a tower site?
2	A No.
3	Q For
4	JUDGE LUTON: I'm going to object to this. I
5	don't understand the relevance any more.
6	MR. HONIG: I'm trying to see whether there
7	is any aspect of this case on which the applicant has
8	some reliance on Mr. Perich and is that reliance still
9	justified in light of these subsequent events?
10	JUDGE LUTON: Oh, you've shifted. I thought
11	you were still trying to determine the connection
12	between the decision to tender his resignation and
13	the and this case.
14	MR. HONIG: Oh, I understand the connection.
15	JUDGE LUTON: You've done that. You've done
16	that and now you've gone into something else and you
17	are trying to determine whether or not this witness
18	ever placed reliance on Mr. Perich or anything having
19	to do with this case and whether, if so, those reliance
20	are still considered viable and good and in place?
21	MR. HONIG: That's one of the things that I'm
22	trying to establish here.
23	JUDGE LUTON: Well, is that the one that you
24	are presently trying to establish?
25	MR. HONIG: That's right.

1	JUDGE LUTON: All right, go ahead.
2	THE WITNESS: Question again, please.
3	BY MR. HONIG:
4	Q Is there any sense in which you've had some
5	reliance on Mr. Perich in this case?
6	A None, except that I am employed by him.
7	Q Was he involved in helping you get loan
8	guarantees or loans?
9	A No, no.
10	Q Now, what are your plans after you leave the
11	station's employment?
12	A To seek employment in the immediate area, in
13	broadcasting.
14	Q Okay. When you say the immediate area, you
15	are referring to what area?
16	A Well, the Baker County area, Baldwin-
17	Jacksonville area. Obviously there are not a lot of
18	jobs out there and if there is a job that I think I can
19	handle, I'll go ahead and take it, whether it be
20	announcing, sales, what have you.
21	Q Sure.
22	A I can't say for certain exactly what station
23	that will be at.
24	Q That's fair.
25	Now, let me return to the question that I

1	asked earlier. Your Exhibit 2, page 1, makes reference
2	to when you pledge to resign. Now, supposing you
3	obtain a job at some other radio station in the area.
4	Would your intention be to resign from that position in
5	the event you are granted a construction permit?
6	A Yes, it would, and I would also intend to
7	explain to my employer, potential employer that I would
8	do so.
9	Q Now, would is it your intention to leave
10	as soon as a construction issues or at such time as a
11	program test authority is obtained?
12	A I would put my two weeks notice in the day
13	that we were notified on the CP.
14	Q Now, you'll notice that on page in Exhibit
15	3, page 5, which is the paragraph that speaks of Mrs.
16	White's other management experience, there is a
17	representation that if White Broadcasting Partnership
18	is granted a construction permit for a new FM station
19	in Baldwin she will resign that position approximately
20	two weeks prior to the start of program testing for the
21	new facility.
22	A Yes, sir.
23	Q Is that testimony your understanding of what
24	she would do?
25	A It is, but I you would probably have to

1	ask her that question, but that's my understanding, as
2	we talked about it.
3	Q Now, is there a reason that you would leave
4	upon the issuance of the CP but she would leave at
5	program test time?
6	A Yes, sir.
7	We felt that once I had a CP in hand that
8	would be a conflict of interest working with WJXR
9	radio, so close to the market. That's one of the
10	reasons. The other reason, there would be a lot of leg
11	work that would have to be done preparing the
12	transmitter site and talking to equipment vendors.
13	Q Let me refer you back again to Exhibit 2,
14	where you made reference to your pledge to resign. It
15	states that you are employed as station manager of
16	WJXR-FM. Is that also is that the senior operating
17	position at the station or is there a general manager,
18	as well?
19	A There is a general manager.
20	Q And is that a full-time person?
21	A Yes, it is.
22	Q And who is that person?
23	A Gregory Perich.
24	Q This is the gentleman that we've just been
25	speaking of?

1	A Yes, sir.	
2	Q He owns the station?	
3	A Yes, sir.	
4	Q You have no ownership interest in the	
5	station?	
6	A No, sir.	
7	Q Did you have any agreement with him whereby	
8	you might have a stock option or have some future share	re
9	profits apart from your service on the staff?	
10	A No, sir.	
11	Q Now, there came a time, did there not, when	
12	you and Mr I've been pronouncing his name wrong.	
13	Forgive me.	
14	A Perich. The "H" is pronounced like a "K".	
15	Q Perich?	
16	A Perich.	
17	Q formed a general partnership and applied	
18	for a construction permit to serve Alachua, Florida?	
19	A Yes, sir.	
20	Q Did I pronounce that right?	
21	A Alachua. That's what the local residents	
22	say.	
23	Q Now, that application was filed in November	
24	1987, isn't that right?	
25	A Yes, sir.	

1	Q And, it was not filed by Mrs. Moline. It was
2	filed by Fred Polnar, isn't that correct?
3	A Mr. Perich's attorney, yes, sir.
4	Q Is he in fact the attorney for the radio
5	station?
6	A For WJXR, yes, sir.
7	Q Continues to be?
8	A I believe so.
9	Q Mrs. Moline has never represented that radio
10	station?
11	A No, sir.
12	Q Now, there then came a time when that
13	application was designated for hearing.
14	A Yes, sir.
15	Q And would it refresh your memory that that
16	occurred in a hearing designation order of February 12,
17	1990? I have a copy of the designation order if that
18	would refresh your memory. Would you care to examine
19	it?
20	A Yes, please.
21	Q This isn't the memory test.
22	A Well, I remember April as being a date, but -
23	-
24	Q That has significance?
25	MR. HONIG: I am showing the witness a copy

1	of DA-90-15 MM Docket 90-8, the Hearing Designation
2	Order. It's a two-page document obtained from the
3	Commission's files.
4	BY MR. HONIG:
5	Q You might want to take a minute and
6	refamiliarize yourself with it.
7	Now, as of the time that that hearing
8	designation came out, you had taken no steps to
9	withdraw the application which was under the name
10	Charley C. White and Gregory G. Perich, is that not
11	correct?
12	A I had taken no steps?
13	Q That's right.
14	A I had taken some steps, yes, sir.
15	Q Would you describe those, please?
16	A I had talked to Greg, told him that I wanted
17	out of my share of the Alachua radio station. He said,
18	well, let me give it some time and think about it. And
19	there came a time shortly thereafter that he agreed
20	that he had some other things that he wanted to do
21	apparently and I said, fine, then we are agreed to
22	dismiss? He said, yes. They drew up the papers. We
23	signed it, sent it in, and it was voluntarily
24	dismissed.
25	Q When the application was filed in 1987 were

1	you the station manager of WJXR-FM?
2	A Yes.
3	Q And Mr. Perich was the general manager?
4	A Yes.
5	Q Was it your intention had the application of
6	yourself and Mr. Perich been granted to move to Alachua
7	and run the station and then Mr. Perich would continue
8	to run WJXR?
9	A He would stay at JXR. I would move into a
10	home that I had about probably 15-20 miles from
11	Alachua and that I would operate the station in Alachua
12	as general manager and 50 percent owner.
13	Q Now, when the application for Baldwin was
14	filed was Mr. Perich aware that you were filing the
15	Baldwin application before it was filed?
16	A On December 13, 1989 I mentioned in the
17	hallway that I thought my wife and I would go ahead and
18	apply for the Baldwin station and he looked at me in
19	the eye and didn't say a word, went straight to his
20	office.
21	That's the last that we discussed it until
22	about a month or so later when his wife saw it in,
23	apparently, Broadcasting Magazine, or somewhere, and I
24	think some comment was made, you did it.
25	I think at the time he was

1	JUDGE LUTON: Can I stop you there. I don't
2	see that this is relevant to anything that we need to
3	decide here.
4	MR. HONIG: Your Honor, I'm trying to I
5	beg for some indulgence.
6	I'm trying to lay a foundation that would be
7	necessary to go into two matters: One relating to
8	integration claims and one relating to the viability of
9	the proposal here.
10	JUDGE LUTON: Well, the matters themselves
11	are all right, but it's this foundation that strikes me
12	as being quite irrelevant and I don't you can't
13	convince that it's all right to ask a bunch of
14	irrelevancies because eventually you're going to get to
15	something that's relevant.
16	MR. HONIG: That's fine, Your Honor. No
17	objection to moving on.
18	BY MR. HONIG:
19	Q Let me ask this. Has the application for
20	Baldwin been granted while Alachua was pending would
21	you have left WJXR to construct and operate Baldwin?"
22	A Would you repeat the first part of that,
23	please?
24	Q To make it clear, there was a period of time,
25	was there not, between December 1989 and, I think the

1	record will reflect, April 1990 when both applications
2	were pending at the same time.
3	A Yes, sir.
4	Q Suppose January 1990 rolled along and Baldwin
5	was granted. What would you have then done?
6	A Well, it was always my intention to dismiss
7	or get out of the Alachua station. I had decided that
8	probably October of 1989 and so some way I probably
9	would have had my portion dismissed or whatever was
10	legally right. But I would have been there for
11	Baldwin. Baldwin would have been the primary my
12	primary goal in life.
13	Q Now, let's look at the other possibility.
14	Again, both applications are on file. It's January
15	1990. You open the mail and there is the construction
16	permit for Alachua. It is granted.
17	Now, in that case, would you have then
18	followed through and gone to Alachua to build that
19	station?
20	A That's very, very hypothetical. I don't
21	think in a million years something like that would
22	happen. But I'll repeat that it was my intention to
23	early on to dismiss Alachua.
24	Q But supposing that you had not dismissed it
25	and Alachua were granted. Would you have in fact moved

1	to Alachua, not knowing when this case was going to be
2	designated for hearing?
3	A Probably would have sought legal counsel on
4	that matter and whatever would have been right, we
5	would have done.
6	Q Would have been right? Now, again, I'm not
7	asking what your lawyer would have advised. We don't
8	need to know that.
9	I want to know what you felt. What were your
10	plans? What was your state of mind at the time, in
11	January 1990, had Alachua been granted?
12	A It still would have been focused on Baldwin.
13	Q Then Mr. Perich would have had to run both
14	stations, is that your testimony?
15	A He could conceivably have done that.
16	Q Did you discuss with him what would happen if
17	Alachua were granted before Baldwin?
18	A No, we didn't have that type of relationship
19	where we would discuss that. The Baldwin really wasn't
20	any of his business at all.
21	Q Had you ever advised him that in fact if
22	Alachua had been granted before Baldwin you would in
23	fact proceed with Baldwin and not build Alachua, I
24	mean, yourself, personally?
25	A I believe probably in my discussions, going

1	to him and saying I want to dismiss or get out of my
2	portion of Alachua and the, of course, it was up to him
3	what he wanted to do with his 50 percent at that
4	particular time.
5	Q Are you saying that that is something that
6	you did? Is that something that you told Mr. Perich?
7	A I don't know if I verbally told him that, but
8	I think at that particular time that and I don't
9	know for sure that he knew that I was focused on
10	Baldwin.
11	Q What's the basis for your thinking that?
12	A Probably because he knew Baldwin was
13	basically in my back yard and knew that I would be
14	happier in Baldwin than I would 50 miles away.
15	Q But you don't really know that he understood
16	that, isn't that right?
17	A No.
18	Q And in fact, you owned property in Alachua,
19	isn't that right?
20	A The next county over.
21	Q And you intended to was that going to be
22	your residence had you moved there or the tower site?
23	A No, it would have been we would have kept
24	our residence in MacClenny and it would have been a
25	place where I could stay and operate this station.

1	Q How far away is MacClenny from Alachua?
2	A I would say probably oh, golly, probably
3	55 miles, 60 miles, something like that.
4	Q Could you have done both?
5	A Lived in MacClenny and operated the Alachua
6	station?
7	Q No. Remained as station manager at WJXR and
8	also built Alachua?
9	A No, I wouldn't have I never thought about
10	doing both and I'm sorry if I indicated that I did.
11	Q No, you didn't. I was just asking.
12	A No, it would have been full-time, many, many
13	hours.
14	Q Okay. But you had made various commitments
15	to the applicant in Alachua, isn't that right, in terms
16	of time and effort that you would put in the
17	application, financing that you were going to
18	contribute to the project, isn't that right?
19	A Time and effort? A lot of time and effort.
20	The financing for Alachua was going to come from Greg
21	Perich. He would have loaned some money to the general
22	partnership which, in turn, would have, as I understood
23	it, would have paid him back. That's if we couldn't
24	obtain bank financing.
25	Q Was that ever was that agreement with Mr

1	Perich ever reduced to writing?
2	A No.
3	Q Did you have any understanding that you would
4	have a financial obligation to the Alachua application?
5	A There was some. We never really talked about
6	the financial obligation, except that if we had to
7	borrow money that I would be 50 percent responsible.
8	Q Now, let me refer you to page 21 of your
9	deposition in this case and see if this refreshes your
10	memory. I'm going to show you that page and in
11	particular draw your attention to lines 14 through 22.
12	Now, so that the record will be clear and
13	this will be understandable, I'd like to take the
14	liberty of reading those lines into the record.
15	Question: Okay. Did you have any financial
16	obligation to the Alachua application?
17	Answer: Just that we had it was a fifty-
18	fifty partnership and my obligation was 50 percent.
19	Question: Okay. And, had you identified any
20	sources of funding for that application?
21	Answer: No.
22	Question: You had no bank letter or anything
23	like that?
24	Answer: No.
25	Does that refresh your memory on the extent
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Alachua application?
A Yes.
Q And, that 50 percent obligation referred both
to prosecution and construction and operational costs,
isn't that right?
A Yes.
Q Now, in fact, your 50 percent was going to be
draw at least in part from the equity in your house in
Alachua, wasn't that right?
A No. I think I stated in my deposition that I
may have been thinking about that but I wasn't sure.
And, on further reflection, I realized that the house,
I don't believe, was completed at that time and that
wouldn't have entered my mind.
Q Let me again turn your attention to your
deposition and, in particular, page 22, line 24,
through page 24, line 4. Now, again, this isn't the
memory test. I would like you to take a minute to read
that to yourself before you're asked questions about
it.
Are you doing okay?
A Yes, ready.
Q Okay. Now, Mr. White, is it a fair
characterization of this testimony that you did have in

1	mind that the lake house equity would be I think
2	your words were something that we would look at and
3	that you had no other sources of funding identified for
4	the Alachua application at the time?
5	A Well, as I stated before, there was
6	indication from Greg Perich that we could get financed
7	on this and that my obligation would be 50 percent as
8	signator, and I think there became a subsequent time
9	when indeed Greg Perich put his current station on the
10	market for sale.
11	JUDGE LUTON: I think you are answering a
12	different question than the one that was asked.
13	Mr. Honig, try that again.
14	BY MR. HONIG:
15	Q Let me try this again.
16	I was asking if it was a fair
17	characterization of your testimony that, other than the
18	equity in the lake you in Alachua, you had no other
19	sources of funding that you had contemplated to meet
20	your 50 percent share for Alachua, isn't that correct?
21	A That's correct.
22	Q And, about how much was that equity?
23	A Well, we were looking at, at that particular
24	time, probably at about \$60,000 or \$70,000, I guess.
25	Q In equity that you had?

1	A Yes.
2	Q Now, the rest of the funds for Alachua were
3	going to come from the sale of WJXR, is that true?
4	A Not exactly, no.
5	He had indicated that we could get financed
6	for this and I asked him how. And, I believe the
7	conversation went to, well, we could get borrow
8	money against possibly, maybe this station, which I
9	didn't know for a fact at the time or didn't know
10	exactly if that's what he had in mind or not, but it
11	occurred to me that bank financing was a very viable
12	option.
13	Q You had never spoken with a bank, is that
14	right?
15	A No, no.
16	Q And, he hadn't either, isn't that right?
17	A I don't believe so.
18	Q Okay.
19	A I didn't.
20	Q Did you sign the application?
21	A I believe I did.
22	Q Now, did you tell Mr. Perich that any other
23	funds from you would be potentially available for your
24	support of the Alachua application, or might be
25	available?

1	A	I don't believe so.
2	Q	In particular you testified, I think, a
3	second ag	o that you were originally intending to move
4	to Alachu	a and when it was first filed and run that
5	station.	Were you contemplating selling your house in
6	MacClenny	?
7	A	No.
8	Q	You were going to keep that house?
9	A	Yes.
10	Q	Okay. Now, the hearing designation order
11	that I've	shown you was issued February 12, 1990.
12	There is	a motion for voluntary dismissal of your
13	applicati	on which was filed on March 29, 1990. Do you
14	recall th	at?
15	A	Yes.
16	Q	Would you
17	A	March, late April.
18	Q	Would it refresh your memory if I showed it
19	to you?	
20	A	You may show it to me.
21	Q	Sure. Let me do that.
22		MR. HONIG: I'm showing the witness a four
23	page docur	ment entitled Motion for Voluntary Dismissal
24	signed by	Mr. Polnar. It contains a cover page, which
25	he signed	. Mr. Polnar has signed a declaration of no

1	consideration and a two-page certificate of service.
2	BY MR. HONIG:
3	Q I would ask if you if that refreshes your
4	memory, and that is your signature on the second page?
5	A Yes, sir.
6	Q Now,
7	A March 1, 1990.
8	Q On the oh, I see. Your signature is dated
9	March 1, 1990 and that is also the date of Mr. Perich's
10	signature.
11	Q Now, that date is in fact two days before the
12	hearing fee was due, is that not correct?
13	A I don't recall what date the hearing fee was
14	due on.
15	Q It would have been due 20 days after February
16	12, 1990, so that would have been February 32 no.
17	MR. HONIG: It's been a long morning, Your
18	Honor.
19	BY MR. HONIG:
20	Q February March 4.
21	A I'll take your word for it.
22	Q So, it was three days before the hearing fee
23	was due.
24	Now, would you describe then whether the
25	Alachua applicant's inability to pay the hearing fee
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1	was the reason that you chose to dismiss your
2	application?
3	A No.
4	Q And, would you describe in your own words the
5	reason you decided to dismiss your application?
6	A I wanted to get out of the Alachua
7	application with Greg Perich and finish pursuing
8	Baldwin.
9	Q How did Mr. Perich feel about that?
10	A Actually, he didn't exhibit any emotion one
11	way or the other. It was alright with him.
12	Q He didn't consider pursuing it on his own?
13	A I told him, I said, I think you've got an
14	option. You'd better check with Fred on this. I think
15	you've got an option to pursue it on your own, if you
16	wish. I want out.
17	And, I can't tell you what else he thought.
18	That's, basically, how the conversation went.
19	Q And then, on April 4, Judge Gonzales granted
20	your motion for voluntary dismissal and that ended your
21	involvement in Alachua?
22	A Yes, sir.
23	MR. HONIG: Your Honor, this might be a
24	convenient time to break. I have only one other area,
25	which won't take long, that I need to get in. But it

1	would be a logical break time in the succession of
2	these questions.
3	JUDGE LUTON: All right, we will recess now,
4	then, and we will return at 1:00 o'clock.
5	MR. HONIG: Thank you, Your Honor.
6	(Whereupon, at 12:00 noon, the hearing was
7	recessed, to reconvene again, at 1:00 p.m., this same
8	day.)
9	
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